

Residential Tenancies Board

Determination Order

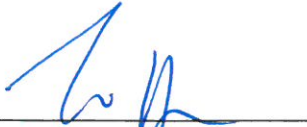
Ref: DR1016-29654

In the matter of Eugene Foley [Applicant Landlord] and Richard Harvey [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:


1. The Notice of Termination served by the Applicant Landlord on the Respondent Tenant on the 29th January 2016 in respect of the tenancy of the dwelling at Flat 2, 30 Rathdown Road, Phibsboro, Dublin 7, D07EAH1, is valid.
2. The Respondent Tenant and all persons residing in the above dwelling shall vacate and give up possession of the above dwelling within 28 days of the date of issue of this Order.
3. The Respondent Tenant shall pay the total sum of €5430.00 to the Applicant Landlord by five equal consecutive instalments at the rate of €1000.00 per calendar month on the 1st day of each month followed by one further instalment of €430.00 in the immediately succeeding month commencing the next month after the issue of this Order. This sum represents rent arrears of €5430.00 in respect of the tenancy of the above dwelling.
4. The enforcement of this Order for such payment of €5430.00 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalment made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €5430.00 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenant shall also pay any further rent outstanding from the 24th November 2016 to the Applicant Landlord at the rate of €120.00 per week or proportionate part thereof at the rate of €17.14 per day unless lawfully varied and any other charges as set out in the terms of the tenancy agreement for each month or part thereof until such time as he vacates the above dwelling.

7. The Landlord shall refund the entire of the security deposit of €500.00 to the Respondent Tenant upon the Respondent Tenant vacating and giving up vacant possession of the above dwelling less any amounts properly withheld in accordance with the provisions of the Act.

This Order was made by the Residential Tenancies Board on 13 January 2017.



Tim Ryan
Board Member
Duly authorised to sign on behalf of the Board



Claire Diggin
Higher Executive Officer
Duly authorised to sign on behalf of the Board